



Public Involvement in the Superfund Program

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To guarantee that local citizens are involved in decisions about cleanup actions in their communities, the U.S. Environmental Protection Agency (EPA) conducts formal and informal community relations activities under the Superfund program. These activities help inform citizens in an area where a hazardous waste response action is underway or planned. But the goal is not just to inform. Equally important, community relations activities give citizens a voice in decisions about actions that may affect them.

The information that citizens provide to EPA about the history of a site is very valuable to EPA in planning a response action. Their knowledge about when and how a site was contaminated has helped EPA select the areas in and around the site where sampling and monitoring are needed. EPA also may learn about who is responsible for a problem from discussions with community members. EPA also considers citizen concerns in choosing how to clean up the site, so that the cleanup actions taken will deal with the problems especially important to the community.

Community relations activities are somewhat different during a short-term "removal" response and a longer-term "remedial" response, which can be conducted only at sites on EPA's National Priorities List (NPL). During a removal action, the On-Scene Coordinator (the person in charge at the site) has to protect public health and property until the immediate threat is over. During such times, the primary community

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Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, in 1980. This law created a tax on the chemical and petroleum industries and provided a broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or welfare or the environment. Over 5 years, \$1.6 billion were collected and the tax went to a Trust Fund for cleaning up abandoned or uncontrolled hazardous waste sites. The U.S. Environmental Protection Agency (EPA) is responsible for running the Superfund program. On October 17,

1986, the Superfund Amendments and Reauthorization Act (SARA) was signed into law. SARA increases the Trust Fund to \$8.5 billion over 5 years and strengthens EPA's authority to conduct cleanup and enforcement activities.

Under the Superfund program, EPA can:

- Pay for the cleanup of hazardous waste sites when those responsible for such sites cannot be found or are unwilling or unable to clean up a site.
- Take legal action to force those responsible for hazardous waste sites that threaten public health or the environment to clean up those sites or pay back the Federal

government for the costs of cleanup.

The law authorizes two kinds of response actions:

- Short-term removals where actions may be taken to address releases or threats of releases requiring prompt response.
- Longer-term remedial responses that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious but not immediately life threatening. They can be conducted only at sites on EPA's National Priorities List (NPL).

Remedial and removal responses include, but are not limited to:

- Destroying, detoxifying or immobilizing the hazardous substances on the site through incineration or other treatment technologies.
- Containing the substances on-site so that they can safely remain there and present no further threat.
- Removing the materials from the site to an EPA-approved, licensed hazardous waste facility for treatment, containment, or destruction.
- Identifying and restoring contaminated ground water, halting further spread of the contaminants or in some circumstances providing an alternate source of drinking water.

relations activity is to inform citizens about response actions and their effects on the community. During a removal, there is often very little time to involve citizens in how the site will be cleaned up because of the urgency of the problem.

During a removal that lasts longer than 45 days or a remedial response, there is more opportunity for citizens to learn about EPA activities and communicate their concerns to EPA.

Community Relations Plans

EPA learns about community concerns by conducting community interviews. These are informal discussions with local residents and government officials, usually at individuals homes or offices. Through these discussions, EPA learns about the history of the site and gains a basic understanding of the concerns of the community, their information needs, and how and when citizens would like to be involved in the Superfund process. EPA uses this information to prepare a Community Relations Plan for sites where removals last longer than 45 days and for all remedial responses. The Plan outlines in detail the activities EPA will conduct to make sure that local residents can express their opinions and concerns about the site, and are kept informed of any actions at the site throughout the cleanup.

Community Relations Activities

EPA exchanges information with the community in many ways. At all remedial sites, and at all removal sites where action is expected to last longer than 45 days, EPA must establish at least one convenient location where accurate, up-to-date documents on the site are available. This information repository, or site file as it is also called, is usually in a public building such as a school, library, or town hall. The file may include news releases, fact sheets, and technical reports about EPA's activities and the contamination problem at the site.

EPA identifies a contact person usually on the Superfund community relations staff in the nearest EPA Regional Office, who can answer questions throughout the Superfund process. A State staff member will be the contact when the State manages the cleanup.

While the information file and contact person are a part of every community relations outreach effort, EPA also uses a variety of other activities to ensure that local citizens are informed and given a chance to participate:

- Small discussion groups in which concerned citizens can exchange information with government officials,
- Large public meetings at which many community members can gather to listen to presentations about site developments, raise issues, express their concerns, and ask questions,

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- o News releases issued to the media announce milestones in work at the site, such as the beginning of construction,
 - o Fact sheets summarizing current knowledge about the site's problems and cleanup options under consideration.

In some cases, EPA may be limited in the amount of information that it can make available to the public. For example, EPA usually tries to pursue legal action to make those responsible for the contamination at a site to pay for the cleanup. As a result, there may be some sensitive or confidential information that, if disclosed to the public, could damage the government's legal case.

Before making any major decisions on remedial actions at a site on the NPL, EPA must give the public an opportunity to comment. Community involvement is particularly important during the public comment period provided — at least 21 days after the Remedial Investigation/Feasibility Study (RI/FS) is completed. The RI describes the type and extent of contamination at the site. The FS describes the contamination and the response actions being considered. A copy of the draft RI/FS report is placed in the information repository. Because the report itself is usually quite long and technical, the Superfund law requires EPA to prepare a Proposed Plan that describes the preferred alternative and the other alternatives being considered, in a more easily understandable form. During the public comment period, EPA will provide an opportunity for a public meeting. EPA encourages comments on all the alternatives being considered as well as any other site activities.

The feedback that EPA receives from the public during the comment period is one of the factors EPA considers in selecting response actions. EPA also considers the reliability, effectiveness, and cost of construction and maintenance of each alternative. EPA then must prepare a Responsiveness Summary describing the significant community comments on the proposed approach and alternatives.

Technical Assistance Grants

The Superfund amendments allow EPA to make grants available to groups of individuals affected by a release or threatened release at NPL sites. These groups may use these grants to obtain assistance in interpreting technical information on the nature of the hazard and recommended alternatives for investigation and cleanup throughout each stage of the Superfund process. Grants are limited to \$50,000 per site. In addition, the recipient is required to contribute at least 20 percent of the total cost of the expert advice. Both these limits may be waived under certain circumstances.

Can Citizen Input Really Influence EPA Cleanup Plans?

Public comment and involvement have significantly influenced EPA's plans for cleanups in a number of instances, and citizens have provided EPA with valuable information about conditions at a site. For example:

- At a site in Illinois, local citizens and businesses expressed concern that EPA's proposed cleanup alternative would limit the use of a nearby lakeshore and harm the town's economy. In response to these concerns, EPA developed another cleanup alternative that preserved the town's use of the lakeshore.
- At a site in Minnesota, local residents expressed a strong preference for treatment of local contaminated wells over connection to the reservoir of a nearby city. After careful consideration of information provided by the residents, EPA proposed a plan to treat the local wells to remove contaminants.
- Local residents are often an excellent source of information. Many have lived in an area for years and can help identify those responsible and help locate illegally disposed waste sites in the neighborhood. Many times local residents have called the National Response Center (1-800-424-8802), a special number set up to report the release of hazardous materials that may present a threat to public health or the environment.

Although EPA tries to include the community's preference in selecting a remedy for the site, requirements of the Superfund law may lead EPA to select another remedy because it is most effective, considering reliability, permanence, and cost.

The goal of Superfund community relations activities is to ensure that citizens are kept as well-informed as possible about cleanup plans and progress and, at the same time, have a say in decisions about Superfund actions taken in their communities. Public involvement in Superfund contributes to sound decisions and greater protection of public health and the environment.